

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
SPECIAL MEETING AND PUBLIC HEARING MINUTES
MAPLEWOOD ADDITION AREA (EXPANSION) FILE NO. 2197
MAY 8, 2006

The following Minutes are a summary of the Special Meeting for a Notice of Intention proposing the annexation of the Maplewood Addition Area (Expansion) (File No. 2197). Complete written transcripts are available from the Boundary Review Board.

I. ROLL CALL

The following members were present at the Special Meeting:

Evangeline Anderson	Robert Cook
A.J. Culver	Lynn Guttman
Ethel Hanis	Claudia Hirschey
Roger Loschen	Michael Marchand
Judy Tessandore	

II. DELIBERATION AND DIRECTION

INTRODUCTION:

Chair Booth stated that the purpose of the Special Meeting is to deliberate and come to a preliminary decision for the Notice of Intention from the City of Renton proposing annexation of the Maplewood Addition Area/Maplewood Addition Area (Expansion) (File No. 2197).

The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexations. Chair Booth described the standards for a quasi-judicial Special Meeting and the scope of the Special Meeting.

Chair Booth and Lenora Blauman described the Maplewood Addition Area/Maplewood Addition Area (Expansion) Notice of Intention as follows:

On April 21, 2005 the proponent, the City of Renton, filed a Notice of Intention for the Maplewood Addition Area with the Boundary Review Board (File No. 2197). The City of Renton proposed to annex 60.5 acres immediately east of the existing city boundaries. The proposed Maplewood Addition Area annexation was based upon a Resolution by the Renton City Council approving a plan to add this territory into the community. This Resolution was approved in April of 2005.

In conjunction with that Notice of Intention, Renton officials invoked jurisdiction before the Board to permit citizens to participate in a public hearing providing simultaneous review for the Maplewood Addition Area annexation and a separately proposed incorporation of a new City of Fairwood.

When the City invoked jurisdiction, Renton officials also stated their interest in requesting that the Board consider an expansion of the proposed annexation area for Maplewood Addition Area.

The Board conducted a Public Hearing on the originally proposed Maplewood Addition Annexation (60.5 acres) on March 20, 2006.

The Board agreed at a Public Hearing of March 30, 2006 (in conjunction with the corollary review of the proposed incorporation of the City of Fairwood) to undertake a separate Public Hearing on May 4, 2006 to review options proposed by the City of Renton for expansion of the annexation of the Maplewood Addition Area.

Chair Booth and Mrs. Blauman described the Special Meeting as follows:

- The Boundary Review Board is conducting this Special Meeting in keeping with its statutory mandate (Chapter 36.93 RCW, *et seq.*) in order to deliberate and make a decision with respect to the proposed Maplewood Addition Area/Maplewood Addition Area (Expansion) Annexation.

- The Board may consider the Maplewood Addition Area annexation as initially proposed and without modification to boundaries.
- The Board may consider the Maplewood Addition Area (Expansion) for revisions to the boundaries. The Board may consider revisions that include the entirety – or portions of modifications to the area as proposed by the City of Renton based upon:
 - Option 1 - Renton School District (665 +/- acres); and/or
 - Option 2 - “Valley Floor” (346 acres), and/or
 - Option 3 – “Aquifer Protection Area” (102 acres)
- The Board may not consider revisions to the Maplewood Addition Area to exceed the annexation boundaries proposed by the City of Renton.

The Boundary Review Board is required to base its decision on several regulations and guidelines. Specifically, the Board must consider RCW 36.93, Sections 170 (Factors) and 180 (Objectives). This is the state law that creates and guides the board. The Board decision must also be consistent with the State Growth Management Act, with the King County Comprehensive Plan and with other regional plans and policies adopted by the proponent.

The Board can make a decision to approve the Maplewood Addition Area Annexation as initially proposed by the City of Renton. The Board can make a decision to modify the boundaries of the proposed Maplewood Addition Area, based upon the options proposed by the City of Renton, and as permitted by Chapter 36.93 RCW. The Board can deny the proposed Maplewood Addition Area annexation.

Under Chapter 36.93 RCW, if the Board approves the annexation, then the City of Renton may act to annex only those properties prescribed by the decision of the Boundary Review Board. If the Board approves annexation with modified boundaries, the City may approve annexation including only those boundaries prescribed by the Board.

The proposed Maplewood Addition Area Annexation Notice of Intention (File No. 2197) was submitted to the Boundary Review Board under a method that requires petitions but requires no election to confirm an annexation. The City of Renton has the authority to determine whether an annexation will be subject to election. The Boundary Review Board does not determine whether an annexation occurs through the petition method or the election method as permitted by RCW 35A.14.

If the Board denies the annexation, then the City of Renton may not proceed with the annexation (under Chapter 36.93 RCW.) Chapter 36.93 establishes conditions for the timing of future efforts to annex lands when previous annexation efforts have been unsuccessful.

The City of Renton may also decline to take action to finalize an annexation permitted by the Boundary Review Board. In such event, the area will remain in unincorporated King County.

DISCUSSION:

Chair Booth called for the Boundary Review Board to begin discussion in the matter of File No. 2197.

The Board members began by undertaking preliminary consideration of the Maplewood Addition Area as originally proposed at 60.5 acres. A summary of the Board members’ statements is provided as follows:

- The Boundary Review Board is required to base its decision on statutory mandates including, but not limited to, RCW 36.93, Sections 170 (Factors) and 180 (Objectives). the State Growth Management Act (RCW 36.70A). The Board must also consider the King County Comprehensive Plan and the City of Renton Comprehensive Plan.
- Board members determined that the original Maplewood Addition Area merits consideration based upon the statutory framework for annexations.

- The King County Comprehensive Plan/Countywide Planning Policies support annexation of urban lands to local jurisdictions.

King County has submitted to the Boundary Review Board a Fiscal Feasibility Analysis for the proposed City of Fairwood (prepared independently by Berk & Associates) which demonstrates that the annexation of the original Maplewood Addition Area (60.5 acres) would not have a significantly deleterious effect upon the potential incorporation of the proposed new City.

- The original Maplewood Addition Area is included within the boundaries of the Renton Potential Annexation Area. This Area forms a portion of the City's Fairwood Potential Annexation Area.
- A majority of the registered voters within the original Maplewood Addition Area have signed a petition stating an interest in annexation to the City of Renton.
- The Fairwood Task Force reports a neutral position with respect to the transfer of the original Maplewood Addition Area from the now proposed boundaries for the new City to permit annexation by the City of Renton.
- Analysis of the originally proposed Maplewood Area under RCW 36.93.170 and RCW 36.93.180 finds that
 - The original Maplewood Addition Area is a fully developed residential community which forms a portion of a greater Maplewood Addition Area community that is connected by similar land uses (e.g., residences, small commercial area), geographic features, and social association. The greater Maplewood Addition Area is linked by these elements to the City of Renton.
 - The original Maplewood Addition Area includes – or is adjacent to – environmentally sensitive areas such as Cedar River, an aquifer, and landslide areas. These sensitive features extend to include the Maplewood Addition Area (Expansion).
 - The original Maplewood Addition Area now requires and/or will in the near-term require municipal planning and public services. Similar planning and services will also be necessary for the Maplewood Addition Area (Expansion).
 - The City of Renton is an established entity with demonstrated comprehensive technical resources necessary to govern the original Maplewood Addition Area and the Maplewood Addition Area (Expansion). The City of Renton has a measurable strong, stable financial base that is necessary to provide a full array of planning guidance and public services.

On the basis of the record and deliberations, the Board found the annexation of the Maplewood Addition Area (at 60.5 acres) to be inconsistent with the provisions of RCW 36.93.170 and RW 36.93.180 and other statutory mandates.

Board members then determined that preliminary consideration of the Maplewood Addition Annexation (Option 2 at 346 acres) would be appropriate under the provisions of RCW 36.93.

A summary of the Board members' statements with respect to consideration of the Maplewood Addition Area (Expansion - Option 2) is provided as follows:

- The Growth Management Act encourages the annexation of urban lands into local jurisdictions. Thus the Growth Management Act reportedly would support annexation into Renton of the lands described as the Maplewood Addition Area (Expansion).
- R Renton's Comprehensive Plan (including the Potential Annexation Area) anticipates annexation of the entirety of the Maplewood Addition Area into the City. The Growth Management Act required that the planning process consider the characteristics of – and plan for the management of -- the built environment and the natural environment.

The City's Comprehensive Plan was developed under the aegis of the Growth Management Act. The Plan is updated as required by RCW 36.70A.

The precise level of community involvement in – and support for – the planning process cannot be determined at this time. However, the Growth Management Act does require substantial citizen involvement in the planning process.

Renton's Comprehensive Plan meets the requirements of the State of Washington; therefore, the Boundary Review Board is required to consider the Renton Comprehensive Plan as a valid document.

- The Growth Management Act also permits incorporation of new cities. The Maplewood Addition Area could also, therefore, be considered for inclusion in a new City if incorporation advances the criteria for local governance.
- In consideration of the City of Renton proposals for expansion of the Maplewood Addition Area, it is necessary to consider the ways in which such an expansion could impact the built environment and the natural environment.

The entire Maplewood Addition Area includes 665 +/- acres (Option 1). Option 1 includes properties that range east to the Elliott Farms community. Those properties are nearest to and most closely affiliated with the Fairwood community.

Option 2 includes properties closer to and more connected with the City of Renton. Option 2 is primarily residential in character. There is limited commercial area. Much of the Maplewood Addition Area is currently developed; however there is opportunity for new development and redevelopment.

Option 2 includes a number of critical areas – the Cedar River, a sole source aquifer, and landslide hazard areas. This Area is located within a flood plain and there is substantial documentation of historical flooding in this community.

Option 3 includes a portion of the area that forms Option 2. Environmentally critical areas within the boundaries of Option 3 are linked to critical areas within Option 2 boundaries.

- Based upon the existing/future built environment and the underlying natural environment, the Maplewood Addition Area now requires and/or will in the near-term require municipal planning, public services, and critical areas management.

A new City of Fairwood would be challenged to immediately serve this area. While over time the new entity could develop the resources (either directly or by contract) to serve the Maplewood Addition Area, the best interests of the Maplewood Addition Area community must be paramount.

The City of Renton is an established entity with demonstrated comprehensive technical resources necessary to govern the original Maplewood Addition Area. The City of Renton has a measurable strong, stable financial base that is necessary to provide a full array of public services to the community.

- The King County Comprehensive Plan/Countywide Planning Policies support annexation of urban lands to local jurisdictions.

King County has submitted to the Boundary Review Board a Fiscal Feasibility Analysis for the proposed City of Fairwood (prepared independently by Berk & Associates) which demonstrates that the annexation of the expanded Maplewood Addition Area (up to 665 acres) would impact the financing of the proposed new City of Fairwood by reduction of the surplus funding for this community. However, a new City of Fairwood would reportedly continue to be a viable entity.

The Board must also consider fiscal viability of various governance options. Berk & Associates reports that inclusion of the Maplewood Addition Area in a new City of Fairwood would provide a \$500,000 surplus to the city budget. Exclusion would result in a smaller surplus -- \$250,000. This reduction in the surplus fund is not so significant as to materially affect the future fiscal viability of a new City of Fairwood.

- A small number of citizens from the expanded Maplewood Addition Area has participated in the Boundary Review Board public hearing process. Citizen testimony has varied with

respect to preference for joining the City of Renton, incorporation into a new City of Fairwood, or remaining in unincorporated King County. There has been limited testimony addressing the criteria which form the basis for the decisions to be rendered by the Boundary Review Board.

- The Fairwood Task Force reports opposition with respect to the removal of an expanded Maplewood Addition Area from the now proposed boundaries for the new City to permit annexation by the City of Renton.
- RCW 36.93 permits the Board to consider the expansion of a proposed municipal annexation. In order to support a Notice of Intention the Board must find that the proposed action – a basic annexation or an expanded annexation -- advances the criteria established for that annexation under RCW 36.70A, RCW 36.93, *et seq.* Maplewood Addition Area
- Option 2 (346 acres) would provide a viable boundary for the City of Renton and a new City of Fairwood. More specifically:
 - The natural environment within the boundaries of Option 2 provides a link to the City of Renton. Option 2 includes floodplain, a natural valley, slopes, lands defined as “urban separators” (low density residential use/open space), and a sole source aquifer. Cedar River flows between this area and the City of Renton. Annexation to Renton of lands included in Option 2 ensures that the citizens will benefit from management of critical lands and water resources by the City of Renton.
 - Citizens within the boundaries of Option 2 have geographic links to the City of Renton. Citizens utilize Renton’s commercial centers, recreation facilities, and other public amenities. Primary access routes in the Option 2 area provide citizens more immediate access to the City of Renton.
 - Under Option 2, the City would have jurisdiction for local roadways and portions of SR 169 providing for orderly management of these rights-of-way; the City has the resources and expertise to provide appropriate highway maintenance.
 - The City of Renton has existing capacity to provide service directly (and/or by existing service contracts) to ensure the provision of reliable timely emergency services to properties located within the boundaries described as Option 2.
 - The City of Renton has existing capacity to provide service directly (and/or by existing service contracts) to ensure the provision of reliable timely public services (e.g., sewer services, water services) to properties located within the boundaries described as Option 2 as requested by citizens.

On the basis of the record and deliberations, the Board finds the annexation of the Maplewood Addition Area (Option 2 at 346 acres) to be consistent with the provisions of RCW 36.93.170 and RW 36.93.180 and other statutory mandates.

- Decisions of the Boundary Review Board should also reflect the preferences of the citizens to the extent permitted by statutory mandate. Citizens of the Area would prefer to determine their future affiliation with a local government -- the City of Renton, a new City of Fairwood, or unincorporated King County.
- Decisions concerning Notices of Intention should be made in the best interests of the community. The community would be best served by annexation to the City of Renton which is a local government with the resources to immediately govern and serve the Area.

At the conclusion of the discussion, Chair Booth called for the question to come to a vote.

PRELIMINARY DECISION

ACTION: Claudia Hirschey moved and Lynn Guttmann seconded a motion that the Boundary Review Board directs staff to prepare a preliminary Hearing and Decision Report approving the City of Renton Maplewood Addition Area Annexation with modifications to include the area described as Option 2 “Valley Floor” (346 acres).

The Board adopted the motion in the matter of File No. 2197 by a vote of seven in favor and three in opposition to the motion. Supporting the motion were Evangeline Anderson, Charles Booth, Lynn Guttman, Ethel Hanis, Claudia Hirschey, Roger Loschen, and Judy Tessandore. Opposing the motion were Robert Cook, A.J. Culver, and Michael Marchand.

The Boundary Review Board shall hold a Regular Meeting for the sole purpose of coming to a final decision on the Hearing and Decision Report in the matter of File No. 2197. This Regular Meeting shall take place on Thursday, June 8, 2006 at 7:00 P.M.

IV. ADJOURNMENT

ACTION: A.J. Culver moved and Evangeline Anderson seconded a motion that the Boundary Review Board adjourn the May 8, 2006 Special Meeting in the matter of the proposed annexation of the Maplewood Addition Area to the City of Renton.

The motion passed by unanimous vote. Chair Booth adjourned the meeting at 8:50 P.M.

- *The King County Comprehensive Plan supports the annexation of the entire Maplewood Addition Area (Expansion) into the City of Renton.*
- *The State Growth Management Act supports the annexation of the entire Maplewood Addition Area (Expansion) into the City of Renton.*
- *The Maplewood Addition Area – in its entirety and within its various sectors – is characterized by numerous environmentally sensitive areas. A substantial portion of Maplewood Addition Area (Expansion) is located on a valley floor. The valley is separated from the greater proposed City of Fairwood by a steep ridge; the ridge has been classified by USGS as a landslide hazard area. The valley is in a floodplain that is created by the Cedar River which traverses much of the Maplewood Addition Area (Expansion). A sole source aquifer underlies portions of the Maplewood Addition Area (Expansion).*
- *The City of Renton has existing statutes, plans, programs, and regulations that will provide for the Maplewood Addition (Expansion) Area appropriate levels of development, public services, and public amenities that will serve the citizens and address the natural environment.*
- *The City of Renton has existing statutes, plans, programs, and regulations that will provide for both routine administration and emergency management necessary to preserve environmentally sensitive areas within and near to the Maplewood Addition (Expansion) Area.*
- *The City of Renton is capable of immediately providing accessible local government and a full array of services to the entire Potential Annexation Area.*
- *An action to permit the entire Maplewood Addition Area (Expansion) to join Renton at this time would enable uniform local governance and coordinated services under the aegis of a single local jurisdiction.*